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10/802,778	03/18/2004	Seiji Harada	011350-327	4682
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/802,778

Applicant(s)

HARADA, SEIJI

Examiner

Neil R. McLean

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/09/2009 has been entered.

Status of Claims

2. Claims 1-19 are now pending in this application.
Claims 1, 8 and 14 have been amended.
No Claims have been canceled or added.

Response to Arguments

3. Regarding Applicant's Argument and new claim limitation: (Page 8, line 23 – Page 9, line 7)
'providing a user with a notification by the job transmitting device before transmitting said job to the job processing device if it is judged that said job cannot be processed in step 3); wherein

in step 4), if it is judged that said job cannot be processed in step 3), accepting at least one of a user's instruction to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device'

Examiners Response:

Takayama discloses:

providing a user with a notification by the job transmitting device before transmitting (Note: this bypasses STEP 160 'Execute Job', that is to say it is before the job is transmitted) said job to the job processing device if it is judged that said job cannot be processed in step 3); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

The Examiner respectfully disagrees with the applicant regarding the notification to the user after a job has failed to perform. The printer notifies the user if a job cannot be performed prior to execution of the job, not after it tries to perform the job. The execution of the job in Figure 15 is after it is determined which printer is to be utilized for executing the job. See Step S157 'Is it Optimum to Execute Job on One's Own' and Step 158 'Determine to Execute Job on One's Own'. After it is determined which printer

is to execute the job, instructions are given to a printing apparatus to execute the job
(See Step S159 'Execute Job').

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama et al. (US 6,477,570).

Regarding Claim 1: (Currently Amended)

A computer readable medium storing a computer program for causing a computer in a job transmitting device to execute a process comprising the steps of:

1) accepting an input of a processing condition for a job from a user (FIG. 15: STEP

S150; a check is performed to determine whether or not a job has been input);

2) acquiring status information by the job transmitting device, wherein the status information concerning the status of a job processing device that processes said job

(STEP S155; the status of the apparatus is examined) and is communicatively connected to the computer;

3) judging by the job transmitting device whether said job can be processed by the job processing device according to said processing condition or not based on said inputted processing condition and said status information before transmitting said job to the job processing device (STEP S157 'IS IT OPTIMUM TO EXECUTE JOB ON ONE'S OWN?'; STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT?'); and

4) providing a user with a notification by the job transmitting device before transmitting (Note: this bypasses STEP 160 'Execute Job', that is to say it is before the job is transmitted) said job to the job processing device if it is judged that said job cannot be processed in step 3); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

Regarding Claim 2: (Original)

A program as claimed in claim 1, wherein said job processing device is a printing device (e.g., Color Printer BJC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the

printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 3: (Original)

A program as claimed in claim 1, wherein in step 4), the content of a judgment is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 4: (Original)

A program as claimed in claim 1, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3 (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 5: (Original)

A program as claimed in claim 1, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the status of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 6: (Original)

A program as claimed in claim 1, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claim 7: (Original)

A computer readable recording medium on which the program as claimed in claim 1 is recorded (The program code or device which performs the function described in Embodiment Nine).

Regarding Claim 8: (Currently Amended)

A job monitoring method comprising the steps of:

1) setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not a job has been input.);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the status of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statuses of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is

performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

Regarding Claim 9: (Original)

A job monitoring method as claimed in claim 8, wherein said job processing device is a printing device (e.g., Color Printer BJC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 10: (Original)

A job monitoring method as claimed in claim 8, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 11: (Original)

A job monitoring method as claimed in claim 8, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3) (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 12: (Original)

A job monitoring method as claimed in claim 8, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 13: (Original)

A job monitoring method as claimed in claim 8, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claim 14: (Currently Amended)

A job monitoring device, comprising:

a setting unit for setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not **a job has been input.**);;

an acquiring unit for acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

a judging unit for judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statuses of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

a notifying unit for notifying content of a judgment if it is judged that said job processing is not executable (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a

plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

Regarding Claim 15: (Original)

A job monitoring device as claimed in claim 14, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 16: (Original)

A job monitoring device as claimed in claim 14, wherein said notifying unit causes the content of a judgment to be displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 17: (Original)

A job monitoring device as claimed in claim 14, wherein change of the designated processing condition can be accepted if said judging unit judges that said job cannot be processed (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 18: (Original)

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information from the job processing device for each job (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 19: (Original)

A job monitoring device as claimed in claim 14, wherein said acquiring unit acquires the status information received from the job processing device and stored in a storage unit in advance (e.g. Print Job Memory Unit 513 in Figure 51).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maki et al. (US 7,293,067) discloses network system in which the

position, attribute, and status of a desired device on a network can visually comprehensibly be grasped. A server manages location information indicating information on the device position in a hierarchical manner and attribute information from the device. Each device holds a plurality of status information in accordance with various statuses of the device

Examiner Notes

7. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

